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7 8	BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS	
9	STATE OF CALIFORNIA	
10	In the Motter of the Assuration Assingt	L Care No. 2009 150
11	In the Matter of the Accusation Against:	Case No. 2008-150
12	SUSAN M. SANDEMAN 1541 N. Fuller Ave. #2 West Hollywood, CA 90046	ACCUSATION
13	Registered Nurse License No. 319169	i
14	Respondent.	'
15	Respondent.	
16	Complainant alleges:	
17	<u>PARTIES</u>	
18	1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation	
19	solely in her official capacity as the Executive Officer of the Board of Registered Nursing	
20	(Board), Department of Consumer Affairs.	
21	2. On or about August 31, 1980, the Board of Registered Nursing issued	
22	Registered Nurse License No. 319169 to Susan M. Sandeman (Respondent). The Registered	
23	Nurse License was in full force and effect at all times relevant to the charges brought herein and	
24	expired on January 31, 2008.	
25	<u>JURISDICTION</u>	
26	3. This Accusation is brought before the Board of Registered Nursing	
27	(Board), Department of Consumer Affairs, under the authority of the following laws. All section	
28	references are to the Rusiness and Professions Code unless otherwise indicated	

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STATUTORY PROVISIONS

- 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.
 - 6. Section 820 of the Code states:

"Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822."

7. Section 821 of the Code states:

"The licentiate's failure to comply with an order issued under Section 820 shall constitute grounds for suspension or revocation of the licentiate's certificate or license."

8. Section 125.3, subdivision (a), states, in pertinent part:

"Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department . . . the board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case."

CAUSE FOR DISCIPLINE

(Failure to Comply with Psychiatric Examination Order)

- 9. Respondent is subject to disciplinary action under section 821 of the Code for failure to timely comply with the Board's order for psychiatric examination. The circumstances are as follows:
- 10. On or about November 21, 2007, the Board issued an order requiring Respondent to submit to examination not more than 30 days from service of the order by a physician and surgeon specializing in psychiatry or by a psychologist to determine whether her competency to safely practice nursing is impaired due to mental and/or physical illness. The order was properly served on Respondent on January 3, 2008. Respondent failed to comply with the Board's order and has not made contact with the Board staff since it was served.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License No. 319169, issued to Susan M. Sandeman.
- 2. Ordering Susan M. Sandeman to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
 - Taking such other and further action as deemed necessary and proper.

DATED: 5/16/08

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Executive Officer

Board of Registered Nursing

Department of Consumer Affairs

State of California Complainant